



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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MINUTES May 27, 1997

CONTINUED PUBLIC HEARING: Definitive Subdivision Plan for Pine Meadow (Maple St.). William Costello Realty Trust, applicant [New application, previously approved plan rescinded]

CONTINUED PUBLIC HEARING: Definitive Subdivisions Plan for Hunters Run (off Nickles La. and Oak Knoll Rd.). Brian E. Hebb Builders, Inc., applicant.

DISCUSSION:

Report on completion of construction to correct drainage deficiencies at Ice Pond Subdivision, and timetable for completion of subdivision roadway.

LOT RELEASE REQUEST: Tall Pines (Request of William Costello)

Chair Yanofsky called the meeting to order at 7:20 p.m.. Members Duscha, Epstein, Hengeveld, LaLiberte, Tice were present. Also present was Planning Administrator George Mansfield. Not present was member Abend, who joined the meeting at 9:20 p.m.

With regard to **budget** items, Yanofsky suggested that \$50.00 be spent to purchase a video on cluster development produced by Randall Arendt. The video would be kept at the library.

The Board discussed a letter received from Kay Fairweather requesting to remove trees along School Street, a scenic road. LaLiberte asked whether a public hearing is required. Mansfield confirmed this. LaLiberte also asked if abutters need to be notified. Mansfield said there are no Rules and Regs. to guide in this decision. Mansfield will talk to the applicant. The Planning Board will be required to absorb costs.

Lot release request. Tall Pines (Request of William Costello)

Hengeveld recused herself from this discussion.

Costello approached the board to request release of Lot 26A. Duscha asked what the result was of the Kidney Dam discussion. Mansfield referred to a letter from LandTech dated May 8, 1997. It concluded the October flooding was an unusual event not related to the Tall Pines subdivision. Costello requested time at the next meeting to discuss the release of the last ten lots and possible bonding. Mansfield will call him to schedule a time.

Duscha moved to release Lot 26A. Tice seconded the motion and it was approved 5-0-1 with Hengeveld recused.

Continued Public Hearing: Definitive Subdivision Plan for Pine Meadow (Maple St.). William Costello Realty Trust, applicant [New application, previously approved plan rescinded]

Present for this meeting were William Costello and his representatives Joe March of Stamski and McNary, and Attorney Richard Gallogly. Also present were Luisa and Jay Heard, Gregor I. McGregor, Maya Liteplo, Mary and Edward Storrs, Brian Anderson, Tony Mariano and Margaret B. Carpenter. Mansfield opened by giving background to the petition. The 135 day period for action expires on June 1, 1997. There have been no significant additions to the file since the last meeting on May 12, 1997. The applicant's attorney has given an outline of modifications and conditions and Mansfield suspected no extension would be granted. A letter from Gallogly dated May 21, 1997 lists modifications which are acceptable to the applicant. Mansfield also had a letter from town council Judy Cutler. Gallogly asked for a copy of this letter. Mansfield also prepared a memo of his recommendations based on these inputs. McGregor asked for a copy of this memo. Both were allowed to make copies.

Regarding the letter dated May 21, 1997, Epstein asked if the modifications are identical to the previous submission. Mansfield replied yes, except for modification #6, which is changed because the lots have been renumbered. Mansfield showed the plan. Some changes such as the removal of the bike/foot path were not discussed at this public hearing. They were discussed at the previous public hearing held in 1996.

Yanofsky asked if LandTech had seen the most recent revision. Mansfield replied that LandTech had not seen the May 14, 1997 revision, but that these revisions were made based on their recommendations.

Duscha asked that lot numbers be confirmed for trail easements. Joe March explained that during the original public hearing one trail was agreed upon. A second trail was also agreed to, but not included on the plan previously prepared for endorsement. The second

trail goes through Lots 1, 2, 3 to an existing 40 ft. right-of-way and to Page Brook Road. Duscha mentioned that it has been discovered that this is a private rather than a public easement, and so is not recommended for a trail. The first trail is on Lot 7 parallel to Lot 8 and roughly follows an existing trail. It eventually meets with the Storrs property.

Mary Storrs of Brook St. asked if this existing trail is being rerouted. March confirmed this. Epstein noted that the plan is confusing because the lot numbers are different on the previous plan. He also had a question regarding a document dated Feb. 14, 1996, showing a realignment of the pavement on Davis Road. Mansfield replied that it is still in the file and hasn't changed.

Jay Heard of 232 Maple St. wanted to know if it was possible to move the connection to the northern entrance to Maple Street in a southerly direction. Epstein asked Mansfield for the 1996 plan. Heard also asked if trucks may be restricted to the construction site rather than parking on the street.

Gregor McGregor asked if the plans make clear what easements in what locations will be preserved and if not when would the plans show them. What legend will be on the plan to recognize the easements and who will enjoy them? Duscha responded that it will be made clear on the plans. Epstein asked Gallogly to resubmit the plans showing the trail easements, prior to endorsement.

Mansfield presented to Epstein alternate layout A (N.E. intersection of Davis Road) attached to the letter from Joe March.

Mary Storrs of Brook St. wanted to have some feedback from a letter she had submitted at the last meeting. Epstein paraphrased the five concerns stated in that letter dated May 12, 1997: 1) Preservation of the natural features of the property on Maple St.; 2) The number of trails and easements the board is considering; 3) Concern regarding impact the development will have on septic and water runoff; 4) Regarding construction process, a) Can applicant estimate the number of trucks of fill and will the fill be free of contaminants? [Gallogly said an estimate could not be given and Costello said the fill should not be contaminated when bought from a reputable firm. McGregor suggested the net fill should be calculated based on fill used from the site and fill brought in from elsewhere.] b) Limit work hours to preserve the quality of life. The project should be completed in a specified amount of time. [Mansfield said that Rules and Regs. provide two years for roadways.] 5) There is a ridge along the property line where it abuts the Storrs property. Restrict construction in this area to prevent damage of the existing septic and plantings on Storrs property.

Tony Mariano of 48 Page Brook Road asked if the trail was to cross Page Brook. Duscha said that the Trails Commission realized that this is a private easement and therefore does not recommend it as a trail.

Jay Heard urged the board to consider limiting work hours and to consider the abutters on weekends.

Epstein asked Gallogly for his response to the suggestion in the P.A.'s draft of the Modifications and Conditions to a Certificate of Approval that a Tree Preservation Plan be submitted. Duscha asked if Costello intended to preserve the large trees on southerly end. Costello said he will save as many trees as possible. Epstein recalled many trees on Maple Street and Davis, and recalled that initially there was talk of preserving those. Costello said he can't guarantee which trees will be preserved. He won't know which trees will need to be removed for septic, etc. until the work is begun.

Regarding attachment A to the letter from Rackemann, Sawyer & Brewster dated May 21, 1997: Duscha stated that modification #5 should be deleted. In modification #6 Hengeveld noted that Lot 7 refers to Lot 4 in a previous version. Epstein said it is not necessary to note this as the plan will specify the trail easement. Duscha noted that prior trail easements specified their use, i.e. horses, etc. Epstein referred to Attachment B, paragraph #2 (conditions) as the appropriate location for this information.

Gallogly forwarded three new easements (trail, utility/drainage and fire) to Mansfield.

Regarding the proposed conditions as numbered in Attachment B: 1) Tice preferred preserving the whole field. LaLiberte asked how long the board can extend this condition. Mansfield replied, three years. Gallogly suggested one year. Duscha asked how many lots. Tice replied 2 or 3. Yanofsky referred to a letter from Kopelman and Paige, PC, dated May 22, 1997. Mansfield noted that lots 1 and 2 would have houses in the field. Gallogly was concerned about the time frame asking that if a restriction of more than one year is granted, the clock should start from the date of approval. 2) Epstein wanted to be sure that drainage and utilities are shown on the plan. 3) Yanofsky wished to add that construction signs be covered at the end of the working day as the state law requires. Gallogly thought that a "Trucks Entering" sign would be more relevant. Yanofsky suggested using language as proposed in Mansfield's memo. 4) Epstein pointed out the drainage and utilities easements. 5) Joe March came forward to point out the location on the plan. Tice brought up a previous discussion regarding alternate placement of the house on Lot 10, but March said that this plan is not feasible. 7) Duscha proposed to add "holidays" to times specified for no construction. Epstein and Duscha voiced concerns expressed by neighbors who are asking for shortened hours. Yanofsky asked Costello to shorten work hours, but he indicated that this would only result in a delay of project completion. 8) Epstein expressed concern over waiving the time limit for recording the plan (3.B.9.a.) entirely. There is a benefit to having a time frame and he asked Gallogly what might be suitable. Gallogly said that the board always has the right to modify the approval after it has been granted and wouldn't gain anything by setting a date. The applicant needs time to get permits and is also interested in moving the project forward. 9) Gallogly explained that there may be a lengthy approval process because of the wetlands (Rivers Act) involved. Mansfield explained that the applicant is requesting a two year extension up front, in which to complete the subdivision.

Discussion moved on to conditions recommended by Mansfield as stated in his memo. #12 was explained by Mansfield. According to Article 8 of the General Bylaws, if earth transfer is required and is not exempt, then it must be licensed by the Planning Board. Transfer is only permitted from 9am to 4pm Monday through Saturday.

LaLiberte referred again to attachment B, paragraph #1 recommending more time to allow the town to consider a purchase. Yanofsky wished to consider lots 1 and 2 to preserve the meadow. Gallogly agreed to preserve at least one lot.

Duscha moved to close the public hearing. Hengeveld seconded the motion. Approved 6-0. Abend absent.

La LaLiberte moved that **The Planning Board approve the definitive subdivision plan of the applicant dated January 17, 1997 last revised on May 14, 1997 with the following modifications: Attachment A to letter from Rackemann, Sawyer & Brewster addressed to the Carlisle Planning Board dated May 21, 1997, paragraphs #1, #2, #3 and #4, omit paragraph #5, paragraph #6 amended to reflect a 20 ft. trail easement located on Lot 4 shown on current plan as Lot #7, and paragraph #7. Also subject to the following conditions appearing in Attachment B to the May 21, 1997 letter: paragraph #1 with amendment as follows "In accordance with MGL chapter 41, section 81-U and 4.D. of Rules and Regs., Lot #1 shall be set aside for purposes of recreation and the endorsement of the plan shall require that no building be erected on Lot #1 without prior approval of the board for a period of not less than 3 years from the date of endorsement of the plan or until said Lot is acquired by the town of Carlisle or by another entity under conservation restriction."; paragraph #2 as offered, paragraph #3 is omitted and replaced as follows: "Signs notifying motorists of trucks entering, heavy equipment in roadway, or workers in roadway shall be placed on Maple St. during times when such conditions exist."; paragraphs #4, #5 and #6 as offered; #7 amended as follows: begin paragraph with "In addition to the requirement and condition of Article 8 of Carlisle general bylaws", second sentence should read "No road construction activities shall take place on Sundays or holidays or outside of the times specified above."; and that the board accept the waivers set forth in paragraphs #8 and #9. That there also be a further condition which is paragraph #12 which reads "Any transfer of earth which is incidental to and in connection with the excavation and grading necessary for the construction of an approved street shown on the Definitive Plan, shall be exempt under Sec. 8.4 or subject to the requirements of Sec. 8.5 of the Carlisle General Bylaws, as applicable or, if neither, shall be permitted only under a license granted by the Planning Board in accordance with Sec. 8.6 of the General Bylaws."**

Yanofsky proposed an amendment to allow the developer flexibility in the clear cutting of the roadway and waive Reg. 5.A.1. LaLiberte was against granting this waiver before consulting with engineering. Tice wished to include wording so that sight obstruction by

vegetation would not become a safety issue. Yanofsky withdrew the waiver proposal. Duscha asked if there was a notation regarding stump removal. Gallogly said it is noted on the plan.

Mansfield said that it is in the regulations to clear back 6 ft. If board does not waive this requirement then applicant must clear it. Tice suggested that given the sensitivity of the area he wishes to add a waiver, but is uncertain of how to word it in order to address the safety issues. Mansfield discussed this matter privately with Costello and Gallogly and concluded that the applicant was not requesting a waiver. Mansfield noted that there was a condition in a previous subdivision, Tall Pines, which limits clearing only to that required for grading. Mansfield will look for that model.

Tice moved to amend the motion to include a condition that clearing within the right of way be limited to that required for grading the side slopes of the roadway. Duscha seconded. Approved 6-0.

Epstein moved to amend the motion to allow LandTech to review the 4 drainage details added to the plan in the May 14, 1997 revisions. LaLiberte seconded. Approved 6-0.

Yanofsky proposed an amendment to Attachment B, condition #1. Given the soil quality, vistas, etc. the town is more likely to purchase land if Lot #2 were also added. She would like to include Lot. #2 for a period of 2 years.

Epstein moved to amend the motion referenced as condition #1 under Attachment B to reference as appropriate lots #1 and #2 rather than just Lot #1. Tice seconded. Approved 4-2. LaLiberte and Hengeveld opposed.

Epstein asked if all were agreed on waiver #9, allowing 4 years rather than 2 years for completion of the subdivision. Yanofsky expressed concern over letting it linger and having too much board turnover in that time. Epstein felt uncomfortable with the 4 year limit. Duscha thought the request was reasonable given that it is uncertain what effect the Rivers Act will have.

Duscha moved to decrease the construction completion date to 3 years from date of approval. Tice seconded. Approved 6-0.

Regarding Gallogly's request to waive the filing fee and to return project review fee funds, Mansfield indicated that the latter is built into the Rules and Regs. He is unsure of the balance in the fund, perhaps \$10,000 - 12,000. This is not a waiver decision. The filing fee waiver may be granted. It was paid upfront. If it were waived the board would need to request the \$6,750 from a Reserve Fund Transfer.

LaLiberte suggested that this need not be voted on tonight. He is not inclined to support this and he would need to consult with Fin. Comm. It would also need to be presented at a public hearing.

The original motion by LaLiberte as amended by Tice, Epstein, Epstein and Duscha was approved 6-0.

Report on completion of construction to correct drainage deficiencies at Ice Pond Subdivision, and timetable for completion of subdivision roadway.

At 9:20 Planning Board member Abend arrived and member LaLiberte recused himself for the remainder of the meeting.

Brian Hebb came forward and indicated that the test hole was dug on Tuesday May 20, 1997 and the pipe and backfill were found to be satisfactory as confirmed by Mark Sleger's letter dated May 20, 1997. Hebb said crews will be on site on May 28 to clean and patch and will pave on May 30. Yanofsky asked for this schedule in writing which Hebb provided. Paving will begin at 8:00 am and Mansfield will call Sleger to notify him.

Hebb confirmed that he has paid two bills submitted to him from LandTech. Hebb and John Boardman of Ross and Assoc. met with Cons. Comm. regarding construction of the swale in the definitive plan. Mansfield asked if this would be done along with the road paving. Hebb said no, it has not been scheduled yet. After paving is done on Friday the bounds will be done next Tuesday. The swale will be done at that same time. Mansfield suggested that an extension would need to be granted since the bounds are part of the subdivision completion.

Hengeveld moved to accept the schedule provided by Brian Hebb and to extend his subdivision completion date to June 16, 1997 whereupon the roadway will be completed and the bounds installed and the swale excavated. Abend seconded. Approved 6-0.

Mansfield will file an unconditional extension tomorrow.

Continued Public Hearing: Definitive Subdivision Plan for Hunters Run (off Nickles La. and Oak Knoll Rd.), Brian E. Hebb Builders, Inc., applicant

Present for this hearing were Brian Hebb and his representatives Lynne Remington and John Boardman of Ross Associates. Also present were Robert Kydd, JoAnne and David Kelch, Ken Jeffers, Susan and Thomas McAndrew, Karla Johnson, Stewart Roberts, Milan Bedrosian, Kathy Rubenstein, Ferris Taylor, Chris Chin, Todd Griswold, Richard Colman, Betsy Kendall, Larry Babine, Steve Tibbetts.

Mansfield opened by giving an update and presenting additional documents received since the last hearing: 1) Six page letter to the board from LandTech dated May 23, 1997. 2) Letter from David E. Ross in response to LandTech's letter. This letter was also sent to Mark Sleger, but as the letter was only received today, it has not been reviewed. 3) Letter from Edes & Edes, attorney for Mr. and Mrs. Kelch of Oak Knoll Road. 4) Letter from Hill & Barlow attorney for J. Stewart Roberts and Karla Johnson of Nickles Lane. 5) Letter from Beals and Thomas, Inc. recommending landscape improvements. This letter resulted from a conference call Yanofsky, Tice and Mansfield had with Beals and Thomas in which additional recommendations were requested.

Remington presented a view of the final definitive plan and expressed that Hebb is anxious to resolve and would like the board to either approve the 8% plan, deal with the 10% plan or revise the plans as recommended. They need something definitive so that if revisions are made to the original 8% plan, they can be assured that they will be approved. Yanofsky stated that this would require that the board receive an extension which Remington was prepared to give. She stated that most of the design revisions recommended by Sleger have already been incorporated into the plan.

Epstein was in favor of pursuing the 10% plan, but opposed to making guarantees. Of the three alternatives, Scheme C appears to be the best approach and he would like to see a definitive plan based on this 10% plan. Tice and Duscha agreed.

Remington said that Ross would need approximately one month to make revisions and they would look at the Beals and Thomas recommendations and incorporate them to the best of their ability. They would like to do only one revision. Epstein suggested this be discussed at another meeting to allow all parties to digest the new information.

Yanofsky requested that the roadway configuration, earthworks and grading recommendations made by Beals and Thomas be strongly considered and to put plans for the detention pond in writing.

Tice asked if there were sidewalks on Oak Knoll and Nickles. Yes, Mansfield replied, and they are on the same side.

Epstein suggested that final draft copies of the Beals and Thomas letter be made available to the public tomorrow.

Remington asked about the recommended larger right of way. Yanofsky explained that the sidewalk needs to be in a safer place, thus requiring wider rights-of-way or easements.

Richard Colman had several comments: All are trying to do what is best for Carlisle. We don't need to make guarantees to approve the plan. He asked how high the bond needs to be for this road and suggested not to allow the bond to be paid down until the entire road is complete. There should also be a requirement of written notice at least one week prior to the start of any work that needs to be supervised.

Stewart Roberts of Nickles Lane read a letter opposing the current roadway proposal which was signed by residents of Nickles Lane. That letter was submitted to Mansfield.

Ferris Taylor asked how long a developer has to complete development and if a condition could be added to refuse an extension if needed. Mansfield explained that the Rules and Regs. state a two year limit. Taylor was concerned that residents have no way of planning how long the disruption will be. Yanofsky noted that it is of greater importance to be sure that the road is completed to the town's satisfaction. Taylor said that a solution to satisfy all has not been found. The 10% plan is better than the 8% plan, but not a solution. He asked that the board speak with the police and fire departments regarding the safety issues and their positions.

Susan McAndrew suggested that when realigning the intersection at East Street and Nickles Lane a better location should be found for the street sign. Yanofsky recommended she contact the police or DPW.

Joanne Kelch stated that a common drive off of Oak Knoll would be preferable and requested that in the 10% plan, the extension of the drive at 11 Oak Knoll be no more than 12" lower than it is now (see letter from Edes & Edes dated May 23, 1997).

Tom McAndrew noted that the catch basin at the end of Nickles Rd. was overflowing into the stream after a slight rainfall.

Epstein asked Mansfield to get the "Edes" and "Barlow" letters to Town Council. LandTech needs to see the final "Beals" letter.

Duscha recommended looking into the possibility of analyzing the drainage from the Kydd land and Hebb land area as a catch basin.

Abend asked Remington to consider the Beals and Thomas letter and bring ideas to the June 9th meeting.

Given the move to the new town hall Mansfield asked that Hebb grant an extension to June 20 to allow time to file the decision should one be made at the next meeting. Hebb agreed and Remington asked that that be contingent upon being allowed to meet on June 9.

Skip Saunders of the Board of Health received the Hill and Barlow letter and expressed concern over the blasting. Shocks can travel through rock over one mile away and affect wells, he said. The Board of Health needs to look into this matter and perhaps recommend rock grinding as opposed to blasting. In the past wells have often gone dry or been contaminated and the owners have no recourse. The Board of Health will send letters to those in the area with wells and recommend that they have their well certified before the blasting takes place. It may be some time before the Board of Health

establishes a policy concerning this matter, but the planning board should consider the hazards of blasting in making their decision, he concluded.

Remington submitted an extension request to June 20, 1997, which was approved 6-0.

Duscha moved to **continue the public hearing on June 9, 1997 at 8:15.** Hengeveld seconded. Approved 6-0.

ANR Plan: 307 Cross Street, James Ford, applicant

Hengeveld moved to **approve plan.** Tice seconded. Approved 6-0.

Ford would like to discuss a proposed common drive with the board. He is scheduled for June 9, 1997 at 9:15 p.m..

ANR Plan: 322 West Street, Four Corners Conservation L.L.C., applicant

Mansfield mentioned that Cons. Comm. is reviewing a request for an order of conditions to put in a private drive on Lot 3.

Tice moved to **accept the plan.** Duscha seconded. Approved 6-0.

Tice left the meeting.

Vacation schedules were discussed and Hengeveld agreed to cover for Yanofsky from end of June to early July.

Accessory Apartment - Pine Brook Road (Approved November 25, 1996)

Regarding the letter from Tyngsborough Gardens, dated May 11, 1997, on behalf of the Hardys, Yanofsky suggested drafting a letter to the building inspector to have him contact the Hardys and let them know they did not comply with the special permit condition to plant Hemlocks.

Abend moved that **Mansfield draft a letter to the building inspector indicating that the change of landscape materials is not acceptable to the board and he should take appropriate action. Mansfield will also draft a letter to the Hardys stating the same.** Duscha seconded. Approved 5-0.

Other Business

Epstein asked Mansfield about the Municipal Incentive Grant. Mansfield will write the draft and circulate it for comment. Epstein asked all to jot down their ideas about Rules and Regs. that they feel the board could amend. Yanofsky will open June 9th meeting with discussion on open space and Rules and Regs.

Meeting adjourned at 11:01 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Anja M. Stam". The signature is written in dark ink and is positioned above the printed name and title.

Anja M. Stam
Recording Secretary